

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

CRAIG WILSON, ERIC BELLAMY,  
KENDAL NELSON, and MAXIMINO  
NIEVES, on behalf of themselves and those  
similarly situated,

*Petitioners,*

v.

MARK WILLIAMS, warden of Elkton  
Federal Correctional Institutions; and  
MICHAEL CARVAJAL, Federal Bureau of  
Prisons Director, in their official capacities,

*Respondents.*

Case No. 4:20-cv-794

Judge \_\_\_\_\_

**PETITIONERS' MOTION TO EXPEDITE  
AND MEMORANDUM IN SUPPORT**

As noted throughout the Emergency Petition for a Writ of Habeas Corpus (the “Petition”) and the Declarations of Dr. Joe Goldenson and Dr. Meghan Novisky, every single day during this one-in-a-lifetime pandemic is further exposure and a risk of illness and death for Petitioners, other prisoners, and staff at the Elkton federal prison, as well as the surrounding community. *See* ECF No. 1-4 (Goldenson Decl.) ¶ 14 (“This is highly infectious and only the great influenza pandemic of 1918 ... is thought to have higher infectivity”); ECF No. 1-3 (Novisky Decl.) ¶ 4 (“prisons, by their very nature, are high risk sites for the spread of infectious disease”). Given the seriousness and urgency of this case, Petitioners respectfully ask that the Court, pursuant to its inherent power to manage its case schedule, issue “forthwith” the relief requested in the Petition, including certification of the proposed class and subclass and a writ of habeas corpus or, in the alternative, an order requiring that Respondents show cause by responsive briefing, within three days, why a writ should not issue. *See* 28 U.S.C. § 2243.

As the Petitioners and other prisoners note, numerous people exhibiting possible COVID-19 symptoms are in the regular population, increasing the risk of transmission—including to members of the staff who leave the institution each day. *See* ECF No. 1-5 (Nelson Decl.) ¶ 8 (“Most of the men in my pod are coughing ... If you have a fever they take you out of the pod into quarantine, but if not, you stay”); ECF No. 1-9 (Jackson Decl.) ¶ 3 (“pretty much everywhere I go, I’m standing next to someone who has symptoms”).

Already, three people have died while incarcerated at Elkton due to COVID-19, and scores more have fallen ill. Outside of prison walls, where people can practice social distancing and vigorous hygiene practices, COVID-19 diagnoses and death grow by thousands every day. Inside such overcrowded prisons such as Elkton, however, it is not possible to follow medically-indicated social distancing and hygiene practices, putting prisoners and staff alike at extreme risk of infection, illness, and death. *See, e.g.*, Goldenson Decl. ¶¶ 18, 21 (social distancing is effectively impossible); Novisky Decl. ¶ 9 (the number of prisoners in Elkton “severely limits” the ability to implement social distancing).

As Ohio Governor Mike DeWine recently said, “Timing is everything. Every day and every person matters.” Governor Mike DeWine (@GovMikeDeWine), Twitter (Mar 16, 2020, 3:18PM), <https://twitter.com/GovMikeDeWine/status/1239632106717937664?s=20>. Under such dire circumstances as these, an expedited case schedule is of vital importance.

Dated: April 13, 2020

Respectfully submitted,

/s/ David J. Carey

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2020, the foregoing will be served on counsel for Respondent via email as indicated below.

Further, I certify that on April 13, 2020, I served a courtesy copy of the Emergency Petition for a Writ of Habeas Corpus in this matter, with all exhibits thereto, via email as indicated below, and received an email read receipt.

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/s/ David J. Carey  
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